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institutions are of purely Anglo-Saxon origin, and Dr. Stevens' work clears the subject from all doubt.

The book is well printed, and is attractive in appearance. A few minor errors may be noted. On page 22, 1631 should be 1681. The articles of Confederation were not in operation for ten years from 1777 to 1787, as appears to be suggested on page 40. They were adopted by Congress in 1777, but not by the States until 1781. They were in operation from 1781 to 1789, when the Constitution took effect.

ALBERT B. WEIMER.

COMMENTARIES ON AMERICAN LAW. By JAMES KENT, LL. D., Chancellor of the State of New York. In one volume. Edited by WM. HARDCASTLE BROWNE, A. M., of the Philadelphia Bar. St. Paul, Minn.: West Publishing Co. 1894.

The literary style of a legal text book is an important factor in any estimate of its worth, especially in the case of those works which from their general character would seem to be designed for the use and instruction of laymen as well as of members of the profession, and this is particularly true of KENT's "Commentaries on American Law." This work was last revised by the author about fifty years ago, and the value of the greater part of the text as an authority on the law of this country is at present small, and becomes less every year as the gap between past and present widens.

Mr. BROWNE has in the edition before us attempted to give KENT a present practical value, but his treatment has hardly met with success. The original KENT possesses great value for a certain class of laymen for whom some general knowledge of the law of their country is almost as necessary as it is advisable, but the present edition has not that value, the style of the author being completely lost in the editor's short and concise paragraphs, which smack strongly of the digest, and which have too little literary connection for pleasant reading. The fault, however, is almost entirely with the arrangement, for the editor's work is very conscientious, the real meat

of KENT being judiciously and thoroughly extracted and clearly set forth. Still the work is without that attractiveness which commended it to the general reader, and the charm of the learned chancellor's work is gone. One misses also the references to those general authorities such as WARD, PRESTON, POTHIER, GROTIUS and others, which are always interesting to the scholar. And this brings us to what we consider a very grave objection to the character of this edition, though we are aware that much can be said upon the other side. The editor has omitted almost all of the notes. A text as old as KENT'S requires references to the authorities upon which its propositions are based, so that the student may have some guide as to the relative value of those propositions and may not be obliged to store his mind with an indiscriminate mixture of good and bad law. Well chosen references furnish the student with a basis for independent investigation, and while this may not be so necessary to those who study under the overseeing eye and reasonable advice of an instructor, as is the case in our great law schools, yet it is important for the large number of students who have not that advantage. Their reading of the present edition of the Commentaries would probably result in the acquisition of a large mass of unproved matter which would be a stumbling block in their future progress.

But this lack of references most seriously affects the character of Mr. BROWNE'S work in those instances where a note could have easily supplied either information on the general changes of the law in the last fifty years or a correction to the text itself as, for instance, references to the Civil War and its effect upon Slavery, the International Copyright Law, the institution of the Interstate Commerce Commission and the Circuit Court of Appeals, the Indian question and the like ; and notes of the facts that certain of the year books have been translated, that words which would ordinarily create an estate-tail are now by statute in many states to be construed as creating estates in fee simple ; that the doctrine that a married woman's contract amounts to an appointment of her separate estate has been exploded, and that to the list of states in which it is

stated that the remedy by distress has been abolished the names of at least a dozen other states may be added. The editor might also have omitted in his digest of the text many references to New York Statute Law without depreciating the value of the book as a general treatise on American law. An examination of the whole of the present edition confirms the impression that he who would furnish the public with a valuable Commentary on American Law should either republish KENT as last revised by the author himself or write a new one in the light of modern and recent decisions.

ROBERT P. BRADFORD.

HAND-BOOK OF COMMON-LAW PLEADING. By BENJAMIN J. SHIPMAN. St. Paul, Minn: West Publishing Co. 1894.

This volume is another of the deservedly popular Hornbook Series, and possesses in an eminent degree all the peculiar excellences of that system of text-books, already described in a review of Clark's Criminal Law, published in the August number of the current volume of this magazine. It will, therefore, as well as by its individual merits, add to the prestige that series has already acquired, and is enhancing with each successive volume. Books of this kind are eminently adapted to the needs of students, who should acquire a firm grasp of the fundamental principles of the law, before burdening their minds with the mass of trivial and often inconsistent detail that disfigure so many so-called text-books, and makes them little else than a disorderly digest of cases. To disinter the underlying principles from the superincumbent mass of chaff, is a task equally beyond the inclination and the power of a student, and often proves a task to the experienced lawyer. On all sides, therefore, a text-book which clings closely to the central idea which its name represents, is sure to be gladly welcomed.

The subject of this volume is a most important one. In spite of the prevailing mania for innovation and for the cultivation of ignorance and carelessness, which has nowhere displayed itself to better advantage than in legal matters, the